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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,865	04/10/2001	Yuuji Usui	4766-6	7676

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401 North Michigan Avenue
Chicago, IL 60611

EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,865

Applicant(s)

USUI, YUJI

Examiner

Lynda Jasmin

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: at line 3 of the claim the term --unit-- is missing. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 13, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nagasawa (6,038,899).

Nagasawa discloses the method of providing a formal product master database (via database 33) to which registered bar codes are registered (via part numbers registered in database 33), sending an order of a product (from server 31 to bending stations 20 and 22), accessing the formal product master database (33) in response to the order to see if a product bar code for the product is registered as one of the registered bar codes (via step S2), defining the product bar code of the product to register the product bar code into the formal product master database (step S7) as one

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of the registered bar codes when the product bar code is not registered as one of the registered bar codes (col.5, line 47-col. 6, line 19).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski (2002/0004753 A1).

Perkowski discloses a network-based sales system having a defining unit (via 3), and a distribution/production managing computer (via 11), wherein the defining unit (3) defines a bar code of the product in response to an order (via providing retailer with up-to-date product information on numerous consumer-products; box 0090, lines 4-15),

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and notifies the distribution/production managing computer (11, via data-synchronized IPD servers) of the bar code, and wherein the distribution/production managing computer manages distribution of the product based on the bar code (boxes 0036, 0037).

The Internet Product Directory (IPD) servers of Perkowski are further viewed as an EDP (Electronic Data Processing) system, and manage stock of a merchant based on the bar code (via boxes 0097, 0098).

Perkowski further discloses a formal product master database to which registered bar codes for formally registered products are registered (the centralized UPC Catalog Database Subsystem), wherein the defining unit (3) accesses the formal product master database in response to an order to see if a product bar code for the product is registered as one of the registered bar codes, and defines the product bar code of the product to register the product bar code into the formal product master database as one of the registered bar codes when the product bar code for the product is not registered as one of the registered bar codes (as illustrated in Figures 5A, 5B, 6A and 6B).

As per providing a tentative product master databases having tentative product data concerning tentatively registered products with prices of the tentatively register products, Perkowski discloses a web based document administration computer 31 connected to web based document server 30 for administrating the registration of manufacturers and products with the system. Computer 31 and server 30 further

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manage the process of registering qualified manufacturers and their products and updating the product-related information with the IPD servers 11.

Perkowski fails to explicitly disclose sending an order of a product via the merchant computer (13). However, Perkowski discloses a Replenishment Information Subsystem 6 for determining what products retailers can be buying in order to satisfy consumer demand. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the system of Perkowski with the step of sending order for product since such would only satisfy the consumer-products offered for wholesaler to retailers by manufacturers registering their products.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ezaki et al. discloses a system for managing goods using unity codes.

Medeiros et al. discloses a system for assigning a bar code label to raw material.

Johnson et al. discloses a just-in-time inventory management system.

Hong et al. discloses a system of utilizing bar codes to process accurate information in production from a manufacturing process.

Johnson et al. discloses a market research database capable of identifying products with industry code information.

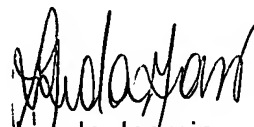
Call discloses a web based universal product codes system.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627

2/6/04

lj